

B<sup>5</sup> 17 (once amended) The method of claim 12<sup>9</sup> further including [adjusting the adding pregelatinized starch [content is] to about 15% of the total carrier.

Please add the following new claims:

B<sup>6</sup> 24 The carrier of claim 2, wherein the additive constitutes from about 0.1% to about 5.0% of the resulting mixture.

22 25 The method of claim 12<sup>9</sup>, further including adding about 0.1% to about 5.0% additive.--

### REMARKS

In the above identified Office Action the Examiner has rejected claims 5 and 17 under 35 U.S.C. §112, questioning the antecedent basis of the term "pregelatinized starch". Applicant has amended claims 5 and 17 so that the claims are now acceptable under 35 U.S.C. §112.

The Examiner has rejected claims 1-8 and 10-22 as being anticipated by the patent to Christensen. Further, claims 1-8 and 10-22 have been rejected as being obvious over Christensen. Finally, all of the claims 1-23 have been rejected as being obvious over the combination of Christensen, in view of Alphin.

Applicant has amended claims 1 and 12 so that they now claim a carrier for the oral administration of an additive, which additive is selected from the group consisting of

pharmaceuticals, nutraceuticals, and vitamins and minerals. Further, the Applicant has recited as a limitation of the claims that the water activity is variable, dependent upon the additive.

The prior art, specifically Christensen, does not teach the use of a carrier for the delivery of an additive. Christensen concerns itself with a soft dry pet food which, by its nature, is primarily concerned with palatability or taste. The taste is generally derived from the protein source, and preferably a meat protein source. Neither meat, protein, or palatability is required by the subject invention, since this is not a food product intended to be ingested in more than single discrete quantities; rather the subject invention involves a single dose, tablet, or other compact delivery package which, because it is soft and chewy, can be easily ingested with the administration of the pharmaceutical or nutraceutical, or vitamins and minerals included. As such, Christensen is directed to a food product and not to the additive or supplements/carrier of the subject invention.

Further, the cited prior art does not teach or suggest varying the  $A_w$  of a carrier for an addition so that it matches the additive included therein, in order to maintain the efficacy of the additive.

Finally, the Examiner has cited Alphin '624 as teaching the inclusion of aspirin in food in an effort to achieve compliance in the administration of the aspirin. Applicant notes that Applicant's carrier is not food but rather an edible non-food carrier. Alphin '624 merely teaches preparation of aspirin in tablet or capsule form. Such a teaching is no more a reflection of the current dosage form of aspirin commonly found in retail establishments. Such teaching

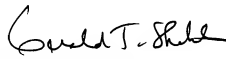
Serial No. 09/160,618

by Alphin '624 does not suggest its use with a carrier with the specific formulation set forth in the claims resulting in a chewy texture.

With the above amendments and remarks, this application is considered ready for allowance. Should the Examiner be of the opinion that a telephone conference would expedite prosecution of the subject application, he is respectfully requested to call the undersigned at the below-listed number.

Respectfully submitted,

**WELSH & KATZ, LTD.**

By 

Gerald T. Shekleton  
Registration No. 27,466

Date: March 20, 2000

**WELSH & KATZ, LTD.**  
120 South Riverside Plaza  
22nd Floor  
Chicago, Illinois 60606-3913  
Telephone: 312/655-1500